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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
The 4.9 GHz Band Transferred from Federal Government Use
To: The Commission

WT Docket No. 00-32

COMMENTS OF
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
MAJOR CITIES CHIEFS ASSOCIATION
NATIONAL SHERIFFS' ASSOCIATION
MAJOR COUNTY SHERIFFS' ASSOCIATION

The International Association of Chiefs of Police (IACP), the Major Cities Chiefs Association (MCC), the National Sheriffs' Association (NSA), and the Major Counties Sheriffs' Association (MCSA) hereby respectfully submit the following joint comments in response to the Commission's Second Report and Order and Further Notice of Proposed Rulemaking (Second R&O & FNPRM), FCC 02-47 (released February 27, 2002), in the above-captioned proceeding.

The IACP is an organization of more than 18,000 professionals responsible for administration of law enforcement agencies within the United States and throughout the world. The MCC is an organization of chief executive officers of the largest local law enforcement organizations in North America. MCC membership includes fifty-three departments from the United States and six departments in Canada. The National Sheriffs' Association is an organization of more than 21,000 members that are dedicated to supporting programs that enable sheriffs, their deputies, chiefs of police, and others in the field of criminal justice to perform their jobs in the best possible manner and to better serve the people of their cities/counties or jurisdictions. The Major County Sheriffs' Association (MCSA) is a professional organization comprised of elected sheriffs throughout the United States who represent areas with populations of at least 500,000 residents. Collectively, these organizations include the key decision makers in the United States Law Enforcement Community.

The IACP, MCC, NSA and MCSA want to thank the Commission for designating 50 MHz of spectrum in the Second R&O & FNPRM to the Public Safety Community for broadband services in the 4940-4990 MHz (4.9 GHz) band. In our separate Comments filed over the last two years in response to previous Commission Notices in this proceeding, our Associations strongly urged the Commission to allocate this band to the Public Safety Community, including the Law Enforcement Community that we represent, so we can deploy emerging broadband technologies in spectrum dedicated to our mission critical needs. We applaud the Commission for its decision to do so.

In the Second R&O & FNPRM, the Commission seeks comments on numerous technical and service rules, including the criteria for eligibility to operate equipment within the 4.9 GHz band. The IACP, MCC, NSA and MCSA feel very strongly about the question of eligibility to hold a license

in this band. We highly recommend that the Commission adopt rules consistent with its earlier decision to designate this band for Public Safety. We believe the sole eligible users of this band should be this country=92s traditional first responders, the local and state police, fire

and EMS Public Safety organizations, as defined in Section 337(f) of BBA-97 and stated in paragraph 31 of the Second R&O & FNPRM. However, there are incidents and disasters where interoperability between such eligible organizations and local and state public service entities, critical infrastructure entities and Federal agencies is required. In such cases, these local and state Public Safety eligible licensees should be allowed to enter into a memorandum of understanding that allows the above entities to share operations in this band. This permits the proper balance of ensuring the integrity of the band for Public Safety use, while permitting some degree of flexibility to accommodate a wide variety of incidents that will occur.

The IACP, MCC, NSA and MCSA are working closely with the Association of Public-Safety Communications Officials-International, Inc. (APCO) and are aware of Comments that APCO will file that address the more complex technical issues. We are also working closely with the National Public Safety Telecommunications Council (NPSTC) and the International Association of Fire Chiefs on these issues. We are looking forward to their input in response to this proceeding, as well as the Comments from other interested parties so that we can more appropriately decide on the best possible approach on behalf of our law enforcement first responders. The IACP, MCC, NSA, and MCSA collectively encourage the Commission to expedite development of these rules in response to the Public Safety Community=92s recommendations so we can put this spectrum to use.

Respectfully submitted,

William B. Berger, President
International Association of

Chiefs of Police

515 N. Washington St.
Alexandria, VA 22314-2357
703-836-6767

Jerry Keller, President
Major Cities Chiefs

Association

Dept.

c/o Las Vegas Metro Police

400 Stewart Avenue
Las Vegas, NV 89101
702-229-3231

Tommy Ferrell, President=09
National Sheriffs'

Association

1450 Duke Street
Alexandria, VA 22314-3490

703-836-7827

Kevin E. Beary, President
Major County Sheriffs'

Association

Sheriff=92s
Office

c/o Orange County

2400 West 33rd Street
Orlando, FL 32839
407-836-3701

Contact: Harlin

R. McEwen

Chair - IACP Communications
Committee

Communications Advisor - MCC,
NSA, MCSA

422

Winthrop Drive, Ithaca, NY
14850

E-Mail: chiefhrm@leo.gov

607-257-1522

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